



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Improvement Agreement Addendum and Acceptance of Improvements in Bridgetowne, Unit No. 1, Tract No. 2133

MEETING DATE: October 15, 1997

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council take the following action with regard to the Bridgetowne, Unit No. 1 subdivision:

1. Adopt the attached resolution accepting the subdivision improvements for Bridgetowne, Unit No. 1, Tract No. 2133.
2. Direct the City Manager and City Clerk to execute the improvement agreement addendum for Bridgetowne, Unit No. 1, on behalf of the City.
3. Appropriate funds for required payments and reimbursements.

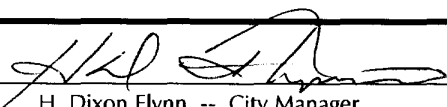
BACKGROUND INFORMATION: The final map and improvement agreement for the Bridgetowne, Unit No. 1 subdivision were conditionally approved by Council on December 18, 1996. The subdivision is located north of Turner Road, south and east of the Woodbridge Irrigation District canal and west of the Wine and Roses Country Inn, as shown on Exhibit A. Improvements at Bridgetowne, Unit No. 1, Tract No. 2133 have been completed in substantial conformance with the requirements of the improvement agreement between the City of Lodi and Chris R. Keszler, LaVeta Keszler, A. Fred Baker and G. Camy Baker and as shown on Drawings No. 96D056 through 96D064 and 96D082.

The Bridgetowne, Unit No. 1 subdivision includes installation of street improvements on the north half of Turner Road which includes the future neighborhood park site (Lot 1) frontage. The developer will also be performing additional pavement removal and reconstruction work in a 12-foot wide strip south of the centerline on Turner Road which is included in the City Pavement Maintenance Program and was not addressed in the original improvement agreement.

The installation of curb, gutter, sidewalk and new underground public utilities has been accomplished for this project. However, the pavement in the interior streets in this subdivision is not acceptable to the City and must be repaired. The developer has provided an improvement security for the asphalt corrections that are needed.

Relocation work by public utilities having existing facilities within the Turner Road right of way has delayed completion of the street paving work in Turner Road. Since the scheduling of the utility relocation work is beyond the developer's control, the developer has requested that the subdivision improvements be accepted prior to completion of the Turner Road street paving.

APPROVED: _____


H. Dixon Flynn -- City Manager

The developer has executed an improvement agreement addendum which sets forth the conditions under which the subdivision improvements can be accepted prior to the completion of the Turner Road street paving and has provided the necessary improvement security for this work. The addendum also provides for payment for the additional pavement removal and reconstruction work which is included in the City Pavement Maintenance Program and will be installed by the developer with the Bridgetowne project.

The developer has also installed a 10-inch public water main which extends easterly in Turner Road from the Bridgetowne subdivision boundary to the existing water main in Turner Road. The developer was required to perform this work to provide water service to the subdivision due to nonperformance of the adjacent property owner who was to install the water main under the terms of an improvement deferral agreement recorded June 18, 1991 in the office of the County Recorder. Performance under the deferral agreement was requested by Council action on December 18, 1996. Since the City Attorney's office will be instituting legal proceedings against the adjacent property owner to recover the cost of the water main installation and associated legal costs, the improvement agreement addendum contains a provision to reimburse the developer for the cost of this work.

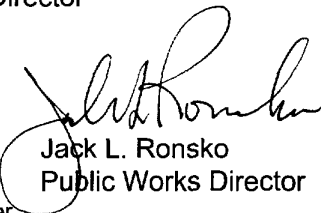
The streets to be accepted are as follows:

Streets	Length in Miles
Bridgetowne Drive	0.19
Bristol Lane	0.13
Inverness Drive	0.11
Regent Street	0.09
Stratford Way	0.03
Turner Road	0.00
Waterford Way	<u>0.11</u>
Total New Miles of City Streets	0.66

FUNDING: Funds will be provided from the following sources:

1. Water Fund	\$ 5,871.25
2. Street Fund	<u>36,439.59</u>
Total	\$42,310.84

Funding Available: Rudy R. Harte for
Finance Director

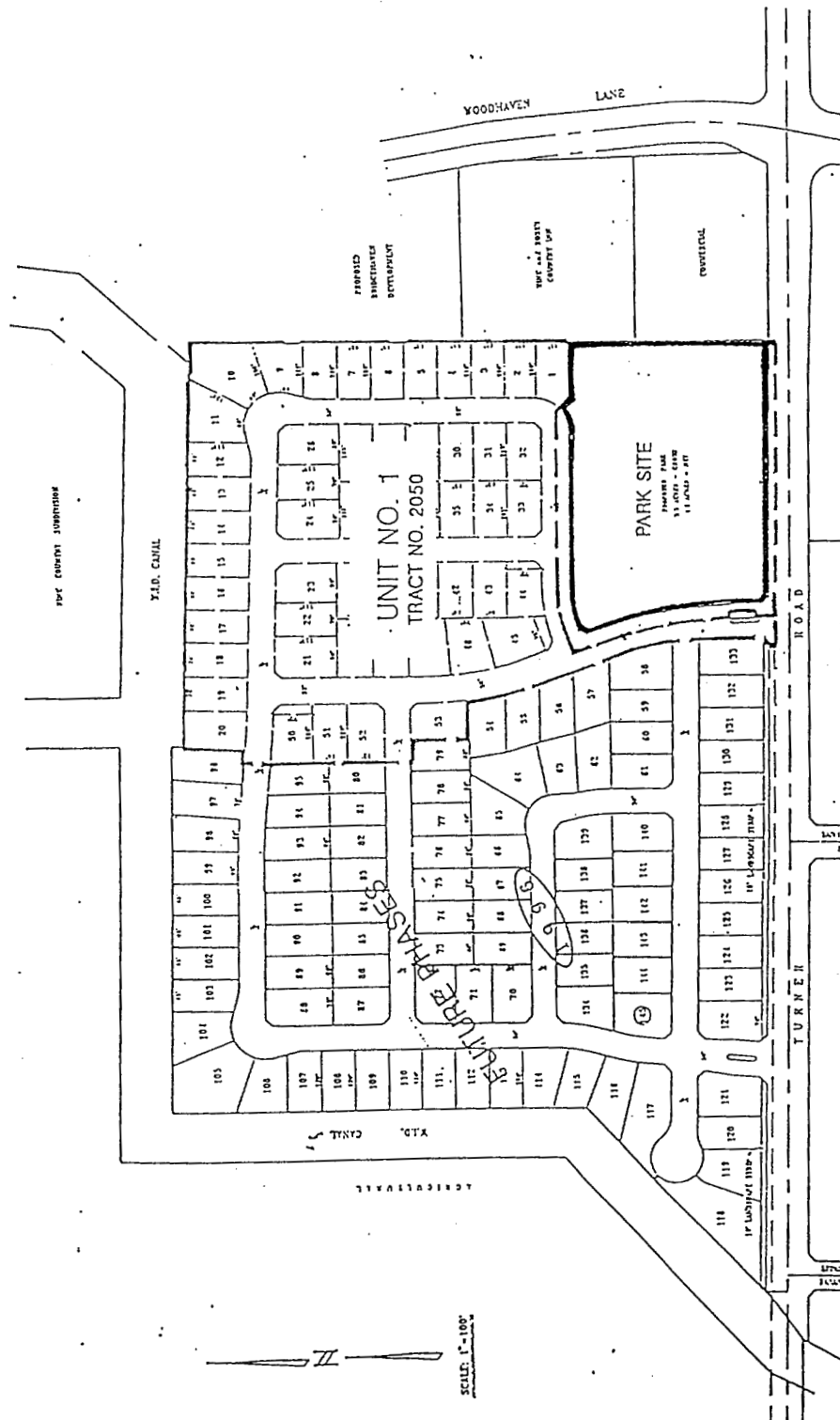

Jack L. Ronsko
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer
Attachments

cc: City Attorney
Senior Civil Engineer
Associate Civil Engineer - Development Services
Chris R. and LaVeta Keszler
Fred and Camy Baker
Baumbach & Piazza



EXHIBIT A
BRIDGETOWNE



97103668

When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RECORDER
COUNTY CLERK
JAMES M. JOHNSTON

97 OCT 17 AM 9:21

SAN JOAQUIN COUNTY
CITY SHOWN

FEE _____

exempt

RESOLUTION NO. 97-173

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING
THE IMPROVEMENT AGREEMENT ADDENDUM,
ACCEPTING THE SUBDIVISION IMPROVEMENTS
INCLUDED IN THE IMPROVEMENT AGREEMENT FOR
BRIDGETOWNE, UNIT NO. 1, TRACT NO. 2133 AND
APPROPRIATING FUNDS FOR REQUIRED PAYMENTS AND
REIMBURSEMENTS

WHEREAS, under the terms of the Improvement Agreement dated December 18, 1996, for Bridgetowne, Unit No. 1, the subdivision includes installation of street improvements on the north half of Turner Road which includes the future neighborhood park site (Lot 1) frontage. The developer will also be performing additional pavement removal and reconstruction work in a 12-foot wide strip south of the centerline on Turner Road which is included in the City Pavement Maintenance Program and was not addressed in the original improvement agreement; and

WHEREAS, the installation of curb, gutter, sidewalk and new underground public utilities has been accomplished for the project; however, the pavement in the interior streets in this subdivision is not acceptable to the City and must be repaired. The developer has provided an improvement security for the asphalt corrections that are needed; and

WHEREAS, relocation work by public utilities having existing facilities within the Turner Road right-of-way has delayed completion of the street paving work in Turner Road. Since the scheduling of utility relocation work is beyond the developer's control, the developer has requested that the subdivision improvements be accepted prior to completion of the Turner Road street paving; and

WHEREAS, the developer has executed an improvement agreement addendum which sets forth the conditions under which the subdivision improvements can be accepted prior to the completion of Turner Road street paving and has provided the necessary improvement security for this work. The addendum also provides for payment for the additional pavement removal and reconstruction work which is included in the City Pavement Maintenance Program and will be installed by the developer with the Bridgetown project; and

WHEREAS, the developer has also installed a 10-inch public water main which extends easterly in Turner Road from the Bridgetown subdivision boundary to the existing water main in Turner Road. The developer was required to perform this work to provide water service to the subdivision due to nonperformance of the adjacent property owner who was to install the water main under the terms of an improvement deferral agreement recorded June 18, 1991 in the office of the County Recorder. Performance under the deferral agreement was requested by Council action on December 18, 1996. Since legal proceedings will be instituted against the adjacent property owner to recover the cost of the water main installation and associated legal costs, the improvement agreement addendum contains a provision to reimburse the developer for the cost of this work; and

WHEREAS, staff recommends that Council approve the Addendum to the Improvement Agreement and allow acceptance of the public improvements for Bridgetowne, Unit No. 1 prior to completion of the Turner Road street paving.

The City Council of the City of Lodi finds:

1. That the Addendum to the Improvement Agreement is hereby approved and further authorizes the City Manager and City Clerk to execute said Addendum; and
2. That all requirements of the Improvement Agreement between the City of Lodi and Chris R. Keszler and LaVeta Keszler, A. Fred Baker and G. Camy Baker, for the improvements for Bridgetowne, Unit No. 1, Tract No. 2133, have been substantially complied with. The improvements are shown on Drawings Nos. 96D056 through 96D064 and 96D082 on file in the Public Works Department; and
3. That funds in the amount of \$42,310.84 (Water Fund \$5,871.25; and Street Fund \$36,439.59) be appropriated for required payments and reimbursements; and
4. The streets to be accepted are as follows:

<u>Streets</u>	<u>Length in Miles</u>
Bridgetowne Drive	0.19
Bristol Lane	0.13
Inverness Drive	0.11
Regent Street	0.09
Stratford Way	0.03
Turner Road	0.00
Waterford Way	<u>0.11</u>
Total New Miles of City Streets	0.66

Dated: October 15, 1997

I hereby certify that Resolution No. 97-173 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 15, 1997 by the following vote:

AYES: COUNCIL MEMBERS – Land, Mann, Sieglock, Warner and Pennino (Mayor)
 NOES: COUNCIL MEMBERS - None
 ABSENT: COUNCIL MEMBERS - None
 ABSTAIN: COUNCIL MEMBERS - None


 ALICE M. REIMCHE
 City Clerk

CITY COUNCIL

PHILLIP A. PENNINO, Mayor

JACK A. SIEGLOCK

Mayor Pro Tempore

KEITH LAND

STEPHEN J. MANN

DAVID P. WARNER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

P.O. BOX 3006

LODI, CALIFORNIA 95241-1910

(209) 333-6706

FAX (209) 333-6710

October 8, 1997

H. DIXON FLYNN

City Manager

ALICE M. REIMCHE

City Clerk

RANDALL A. HAYS

City Attorney

Mr. and Mrs. Chris R. Keszler
c/o 317 W. Lodi Avenue
Lodi, CA 95240

Mr. and Mrs. Fred Baker
317 W. Lodi Avenue
Lodi, CA 95240

Baumbach & Piazza
323 W. Elm Street
Lodi, CA 95240

SUBJECT: Improvement Agreement Addendum and Acceptance of Improvements in
Bridgetowne, Unit No. 1, Tract No. 2133

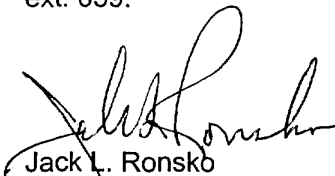
Enclosed is a copy of background information on an item on the City Council agenda of
Wednesday, October 15, 1997. The meeting will be held at 7 p.m. in the
City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a
Council Member requests discussion. The public is given an opportunity to address
items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council,
City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the
mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's
card (available at the Carnegie Forum immediately prior to the start of the meeting) and
give it to the City Clerk. If you have any questions about communicating with the
Council, please contact Alice Reimche, City Clerk, at 333-6702.

If you have any questions about the item itself, please call Sharon Welch at 333-6800,
ext. 659.



Jack L. Ronsko
Public Works Director

JLR/Im

Enclosure

cc: City Clerk

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
KEITH LAND
STEPHEN J. MANN
DAVID P. WARNER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710

H. DIXON FLYNN
City Manager
ALICE M. REIMCHE
City Clerk
RANDALL A. HAYS
City Attorney

October 23, 1997

Farmers & Merchants Bank
Attention Alan Goldberg
121 West Pine Street
Lodi, CA 95240

SUBJECT: Bridgetowne, Unit No. 1

The City Council at its meeting of October 15, 1997, accepted the public improvements completed in the above subdivision and approved an Addendum to the Improvement Agreement for the Public Improvements of Bridgetowne, Unit No. 1. Copies of the resolution of acceptance and the Addendum are enclosed.

Under Section 4 of the Addendum, the developer must provide improvement security for the street paving in Turner Road. The developer requested that the security provided for the other improvements within Bridgetowne be reduced to the amount needed for the street paving. This request was agreed to and the Instrument of Credit for Faithful Performance in the amount of \$1,021,456.71 can be reduced to \$167,816.85. This amount must remain as security until the Turner Road paving is accepted by the City. The entire Instrument of Credit for Labor and Materials must remain in effect until January 14, 1998, when it can be reduced to \$83,908.43. The reduced Labor and Material security will be released 90 days after acceptance of the Turner Road Paving.

If you have any questions, contact Sharon Blaufus at 333-6706.



Richard C. Prima, Jr.
City Engineer

RCP/SB/sb

Enclosures

cc: City Clerk
Chris & LaVeta Keszler
Fred & Camy Keszler
Baumbach & Piazza

CITY COUNCIL

DAVID P. WARNER, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6842

H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

October 22, 1997

Dr. and Mrs. Chris R. Keszler
317 West Lodi Avenue
Lodi, CA 95240

Mr. and Mrs. A. Fred Baker
317 West Lodi Avenue
Lodi, CA 95240

SUBJECT: Improvement Agreement Addendum and Acceptance of Improvements in
Bridgetowne, Unit No. 1, Tract No. 2133

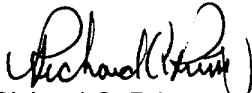
The City Council at its meeting on Wednesday, October 15, 1997, approved the
Improvement Agreement Addendum and accepted the public improvements that were
made in the subject project.

Enclosed for your files is a fully executed copy of the agreement addendum and a copy
the resolution accepting the public improvements. From the date of the resolution, the
City of Lodi will maintain the street and other public improvements installed within rights-
of-way and public utility easements except those improvements delineated in the
agreement addendum.

Enclosed is a copy of the letter sent to Farmers & Merchants Bank reducing the security
amounts of your faithful performance and labor and material instruments of credit to the
amounts needed for the improvements under the improvement agreement addendum.
The instruments of credit will be released when the City accepts the paving on Turner
Road. The money that was deposited for the pavements within the subdivision will be
released when the corrections have been made to the City's satisfaction.

Also enclosed is a check in the amount of \$5,871.85 for the installation of the water
main in Turner Road. This work was accepted along with the Bridgetowne
improvements.

If you have any questions, please contact me.



Richard C. Prima, Jr.
City Engineer

RCP/SB/sb

Enclosure

cc: Electric Utility Department
Water/Wastewater Division
Street Division
City Clerk
Farmers & Merchants Bank

Laccept